

FAX RECEIVED

IN RE U.S. PATENT APPLICATION

SERIAL NUMBER: 08/794,374

OCT 06 1999.

TECHNOLOGY CENTER 2800
TRANSMITTAL COVER LETTER FOR FACSIMILE TRANSMISSION PROGRAM CENTER

PLEASE TELECOPY THE FOLLOWING PAGES TO:

Examiner Edward Glick
Group 2878
United States Patent & Trademark Office
Washington, D.C. 20231

TELECOPIER NUMBER: (703) 305-1034

THE SENDER IS:

Mark D. Rowland, Esq.
Registration No. 32,077
c/o Fish & Neave
525 University Avenue, Suite 300
Palo Alto, California 94301
Tel. (650) 617-4016
Fax. (650) 617-4090

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

10/06/99

Date

Mark D. Rowland

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER 7

WE ARE TRANSMITTING FROM A CANNON 7000/7500.

DATE: 10/06/99TELECOPIER OPERATOR: Lily Jiang

PLEASE ACKNOWLEDGE SAFE RECEIPT OF THIS TRANSMISSION BY SIGNING
AND RETURNING THIS COVER SHEET TO US BY FACSIMILE.

WE ACKNOWLEDGE SAFE RECEIPT OF THIS TRANSMISSION

SIGNED: _____ DATE: _____

IF NOT, PLEASE CALL BACK AS SOON AS POSSIBLE.
PHONE (650) 617-4000 (ASK FOR "TELECOPIER")

FAX RECEIVED**OCT 06 1999**REV. 11/98
For Other Than A Small EntityTECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER
Docket No. LT-5 Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR REISSUE OF U.S. PATENT 4,823,070

Date of Issue : April 18, 1989
Inventor : Carl T. Nelson
Title : SWITCHING VOLTAGE REGULATOR CIRCUIT
Assignee : Linear Technology Corporation
Serial No. : 08/794,374
Filing Date : December 10, 1996
Examiner : Edward Glick
Group Art Unit : 2878

October 6, 1999

Hon. Assistant Commissioner
for Patents
Box Reissue
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [X] a Further Update on Status of Concurrent Litigation; Request for Continued Suspension of Action in Reissue Application in View of Concurrent Litigation; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
<hr/>				
TOTAL CLAIMS	-	* =	X \$ 18 =	\$
<hr/>				
INDEPENDENT CLAIMS	-	** =	X \$ 78 =	\$
<hr/>				
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$ 260 =	\$
<hr/>				

* If less than 20, insert 20. TOTAL \$ _____

** If less than 3, insert 3.

[] A check in the amount of \$____ in payment of the filing fee is transmitted herewith.

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge \$_____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

[] The following extension is applicable to the Response filed herewith; [] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$380.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [] \$870.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,360.00 extension fee for response within fourth month pursuant to 37 C.F.R.

§ 1.136(a); \$1,850.00 within fifth month pursuant to
37 C.F.R. § 1.36(a).

- [] A check in the amount of [] \$110.00; [] \$380.00;
[] \$870.00; [] \$1,360.00; [] \$1,850.00 in payment
of the extension fee is transmitted herewith.
- [X] The Commissioner is hereby authorized to charge
payment of any additional fees required under
37 C.F.R. § 1.17 in connection with the paper(s)
transmitted herewith, or to credit any overpayment
of same, to Deposit Account No. 06-1075. A
duplicate copy of this transmittal letter is
transmitted herewith.
- [] Please charge the [] \$110.00; [] \$380.00;
[] \$870.00; [] \$1,360.00; [] \$1,850.00; extension
fee to Deposit Account No. 06-1075. A duplicate
copy of this transmittal letter is transmitted
herewith.



Mark D. Rowland
Registration No. 32,077
Gabrielle E. Higgins
Registration No. 38,916
Attorneys for Applicant

FISH & NEAVE
525 University Avenue
Palo Alto, California 94301
Tel.: (650) 617-4000

REV. 11/98
For Other Than A Small Entity

Docket No. LT-5 Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR REISSUE OF U.S. PATENT 4,823,070

Date of Issue : April 18, 1989
Inventor : Carl T. Nelson
Title : SWITCHING VOLTAGE REGULATOR CIRCUIT
Assignee : Linear Technology Corporation
Serial No. : 08/794,374
Filing Date : December 10, 1996
Examiner : Edward Glick
Group Art Unit : 2878

October 6, 1999

Hon. Assistant Commissioner
for Patents
Box Reissue
Washington, D.C. 20231

FURTHER UPDATE ON STATUS OF CONCURRENT LITIGATION;
REQUEST FOR CONTINUED SUSPENSION OF ACTION IN
REISSUE APPLICATION IN VIEW OF CONCURRENT LITIGATION

Sir:

Action in the above-captioned reissue application has been suspended in view of concurrent litigation involving "on-sale" bar issues that overlap with issues in this reissue proceeding. See Decision On Request For Suspension Of Action, dated April 1, 1997. Reissue applicant Linear Technology Corporation ("LTC") submits this paper to advise the Office of the status of the concurrent litigation, and to request that

the suspension of action in the reissue application be continued until the outcome of an appeal in the concurrent litigation is decided.

The concurrent litigation involves United States patent 4,755,741 assigned to LTC, which shares a common filing date with LTC's U.S. patent 4,823,070 now in reissue. In May 1994, LTC commenced a lawsuit against Micrel, Inc., in the United States District Court for the Northern District of California, Case No. C94-1633 EFL (now designated C94-1633 MHP), alleging among other things that Micrel was infringing the '741 patent. In the litigation (Linear Technology Corp. v. Micrel Inc., C94-1633 MHP), the defendant Micrel raised the defense that claims of LTC's '741 patent are invalid in view of the on-sale bar of 35 U.S.C. § 102(b).

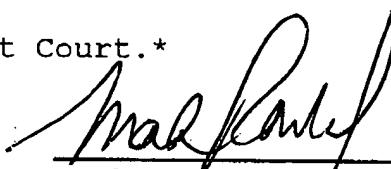
On April 7-10, 1998, the District Court conducted a trial on the on-sale bar defense raised by Micrel.

On August 20, 1999 the District Court entered a judgment declaring that the '741 patent is invalid under 35 U.S.C. § 102(b), and dismissing LTC's action against Micrel. The judgment does not terminate the litigation, because LTC has appealed the judgment as a matter of right to the Court of Appeals for the Federal Circuit. On September 17, 1999, in order to perfect its right of appeal pursuant to Federal Rule of Appellate Procedure 4, LTC timely filed a notice of appeal. On October 1, 1999, Micrel also filed a notice of appeal. The issue on appeal will overlap with the present reissue

FAX RECEIVED

application because the same LTC LT-1070 product that the
District Court concluded was on-sale more than one year prior
to November 18, 1986 - the common filing dates of the '070 and
'741 patents - embodies at least some of the subject matter
disclosed and claimed in the '070 patent.

In view of the continuation of the concurrent
litigation at the appellate court level, and in order to avoid
duplication of effort between the litigation and this reissue
proceeding, applicant respectfully requests that the current
suspension of action in this reissue application be continued
until termination of the litigation, including LTC's appeal of
the judgment of the District Court.*



Mark D. Rowland
Registration No. 32,077
Gabrielle E. Higgins
Registration No. 38,916
Attorneys for Applicant

FISH & NEAVE
525 University Avenue
Palo Alto, California 94301
Tel.: (650) 617-4000

* Applicant submits this paper pursuant to a telephone discussion between the undersigned and Examiner Edward Glick. Applicant previously submitted a status paper dated May 6, 1999, entitled Updated Status Of Concurrent Litigation, pursuant to a prior telephone discussion with Special Programs Examiner Hien H. Phan (see the attached).